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III. REMARKS

Claims 1-12 are pending in this application. Applicants do not acquiesce in the correctness of the rejections and reserve the right to present specific arguments regarding any rejected claims not specifically addressed. Further, Applicants reserve the right to pursue the full scope of the subject matter of the original claims in a subsequent patent application that claims priority to the instant application. Reconsideration in view of the following remarks is respectfully requested.

In the Office Action, claims 1-12 are rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over Benson (EP Patent No. 0 936 530 A1), hereafter "Benson" in view of Mooney et al. (U.S. Patent No. 6,351,813 B1), hereafter "Mooney."

To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. Applicants respectfully submit that the Benson and Mooney references, taken alone or in combination, fail to meet each of the three basic criteria required to establish a *prima facie* case of obviousness. As such, the rejection under 35 U.S.C. §103(a) is defective.

With initial regard to the 35 U.S.C. §103(a) rejection over Benson in view of Mooney, Applicants assert that there is no suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Specifically, Benson teaches "...a bridge technology called

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Virtual Smart Card which emulates a real smart card by providing an identical interface and collection of services." Col. 3, paragraph 0011. In contrast, Mooney teaches a smart card access module for use with a physical smart card that provides a means to back up smart cards onto disk media in a secure manner. Col. 13, lines 10-20. The Office attempts to combine Benson with Mooney in such a manner that the Mooney back up creates the virtual smart card of Benson. However, one of the express goals of Mooney is to do away with problem with smart card technology caused by "...its inherent expense and logistic overhead." Col. 3, par. 0009. Combining Mooney with Benson would destroy the intended function of Mooney by requiring the acquisition of the physical smart card reader of Benson with "...its inherent expense and logistic overhead." Thus, there is no suggestion or motivation to combine the references. Accordingly, the Office has failed to prove a *prima facie* case of obviousness, and Applicants request withdrawal of the rejection.

Applicants further assert that the combined features of the cited art do not teach each and every feature of the claimed invention. Specifically, with respect to independent claims 1, 2 and 5, Applicants submit that, contrary to the statement of the Office, Benson fails to teach or suggest a virtual smart card control component for handling creating of a virtual smart card. The Office instead cites passages in Benson that introduce the concept of a Virtual Smart Card; disclose a Virtual Smart Card reader, which is an emulator that emulates a physical smart card reader; and give examples of protected information stored by the Virtual Smart Card. Pars. 0011, 0024 and 0025. However, nowhere in the cited passages or elsewhere in Benson is it disclosed how the Virtual Smart Card is created. The Office attempts to cure this deficiency with the unsubstantiated factual assertion that "creation of a VSC is inherent" and a citation from Benson

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that the Virtual Smart Card is in an idle state at the time of its creation. However, a virtual smart card control component for handling creating of a virtual smart card is not obvious to one skilled in the art, and nowhere in Benson is this feature taught or suggested. In contrast, the present invention includes "…a virtual smart card control component for handling creating of a virtual smart card." Claim 1. As such, the creation of the virtual smart card as included in the claimed invention is not undefined as in Benson, but instead a virtual smart card control component is included for handling creating of a virtual smart card. This feature is not taught in Benson and is not obvious to one skilled in the art. Accordingly, Applicants respectfully request that the Office support its factual assertion with references or withdraw its rejection.

With further respect to independent claims 1, 2 and 5, Applicants respectfully submit that the cited references also fail to teach or suggest a smart card manager component for providing a menu controlled graphical user interface allowing user actions for initiating creation of a VSC and back-up of data objects being stored in said real smart into said corresponding area of said virtual smart card or secure copy of data objects being stored in said virtual smart card into said corresponding area of said real smart card. Instead, the passage in Benson cited by the Office teaches a smart card resource manager, which provides communications between the smart card service provider and the Reader Helper Driver. Col. 6, paragraph 23. However, neither in the cited passage nor anywhere else does Benson teach or suggest that its Smart Card Resource Manager is used in the creation of the Virtual Smart Card. Furthermore, Benson does not teach that its Smart Card Resource Manager is used for either back-up of data objects being stored in a real smart card into a corresponding area of the virtual smart card or secure copy of data objects being stored in the Virtual Smart Card into a corresponding area of a real smart card. The Office

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also cites Mooney, which has Window Interface Diagrams and a Smart Card Access Module, and

which provides a means to back up smart cards onto disk media in a secure manner. Col. 4, lines

60-65; col. 13, lines 10-20. However, the Window Interface Diagrams cited by the Office in

FIGS. 4-7 of Mooney are used only to encrypt a data file on a computer system using a Smart

Card. Col. 4, lines 61-65. Mooney does not teach that its Window Interface Diagrams are used

in conjunction with the Smart Card Access Module, nor does Mooney teach that its Window

Interface Diagrams are used to create or in any way transfer data from the smart card. The

present invention, in contrast, includes "...a smart card manager component for providing a

menu controlled graphical user interface allowing user actions for initiating creation of a VSC

and back-up of data objects being stored in said real smart into said corresponding area of said

virtual smart card." Claim 1. As such, the menu controlled graphical user interface in the

current invention is not used to encrypt a source file as are the Window Interface Diagrams of

Mooney, but rather allows user actions for initiating creation of a virtual smart card and back-up

of data objects being stored in a real smart card into a corresponding area of the virtual smart

card. Furthermore, whereas the Benson smart card resource manager only provides

communications between two elements of the Virtual Smart Card, the smart card manager

component as included in the present invention includes a menu controlled graphical user

interface allowing user actions for initiating creation of a virtual smart card and back-up of data

objects being stored in a real smart card into a corresponding area of the virtual smart card. For

the above reasons, the combination of the Benson smart card resource manager and the Window

Interface Diagrams for encrypting a file of Mooney are not equivalent to the smart card manager

component including a menu controlled graphical user interface allowing user actions for

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initiating creation of a virtual smart card as claimed in the present invention. Accordingly, Applicants request that the rejection of the Office be withdrawn.

With still further respect to independent claims 1 and 5, Applicants respectfully submit that the cited references also fail to teach or suggest transferring said data objects to be backed-up from said real smart card to said virtual smart card. As stated above, Mooney teaches a Smart Card Access Module that provides a means to back up smart cards but does not teach that virtual smart cards are created as a result. Col. 13, lines 10-20. Conversely, Benson teaches a type of Virtual Smart Card but does not teach that it is created as a back up of a real smart card. Par. 0011-0012 and 0024. Nowhere do the combined references teach transferring data objects to be backed up from a real smart card to a virtual smart card. In contrast, the present invention includes "...transferring said data objects to be backed-up from said real smart card to said virtual smart card." Claim 1. As such, the data objects to be backed-up from the real smart card are transferred to the virtual smart card. Accordingly, Applicants respectfully request that the Office's rejection be withdrawn.

With still further respect to independent claim 2, Applicants respectfully submit that the cited references also fail to teach or suggest writing said data objects to be securely copied from an intermediate buffer of said virtual smart card into said assigned area of said real smart card. As stated above, passages in Benson cited by the Office introduce the concept of a Virtual Smart Card; disclose a Virtual Smart Card reader, which is an emulator that emulates a physical smart card reader; and give examples of protected information stored by the Virtual Smart Card. Pars. 0011, 0024 and 0025. However, nowhere do the cited passages disclose restoring information to a real smart card that previously has been backed up from a real smart card. The Office attempts

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to cure this deficiency by citing the Mooney Smart Card Access Module that provides a means to back up smart cards. Col. 13, lines 10-20. However, as stated above, this feature of Mooney does not disclose a virtual smart card. Furthermore, Mooney does not disclose restoring the information to the real smart card. In contrast, the present invention includes "…writing said data objects to be securely copied from an intermediate buffer of said virtual smart card into said assigned area of said real smart card." Claim 2. Thus, in contrast to Benson, which simply has a Virtual Smart Card, a Virtual Smart Card reader and protected information stored by the Virtual Smart Card, the data objects as included in the present invention are written from an intermediate buffer of the virtual smart card into an assigned area of a real smart card. In addition, the data objects as included in the present invention, rather than being backed up onto disk media as in Benson are securely copied into the real smart card. For the above stated reasons, writing the data objects as included in the present invention is not equivalent to features disclosed in the combined references. Accordingly, Applicants respectfully request that the Office withdraw its rejection.

With regard to the Office's other arguments regarding dependent claims, Applicants herein incorporate the arguments presented above with respect to independent claims listed above. In addition, Applicants submit that all dependant claims are allowable based on their own distinct features. However, for brevity, Applicants will forego addressing each of these rejections individually, but reserve the right to do so should it become necessary. Accordingly, Applicants respectfully request that the Office withdraw its rejection.
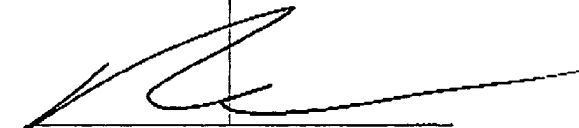
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IV. CONCLUSION

In light of the above, Applicants respectfully submit that all claims are in condition for allowance. Should the Examiner require anything further to place the application in better condition for allowance, the Examiner is invited to contact Applicants' undersigned representative at the number listed below.

Respectfully submitted,

Date: January 18, 2005

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